

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re	:	
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ZHANG MEDICAL P.C. d/b/a	:	Case No. 23-10678-PB
	:	
NEW HOPE FERTILITY CLINIC	:	Chapter 11
	:	(Subchapter V)
	:	
Debtor.	:	
-----X	:	

**INTERIM ORDER GRANTING DEBTOR’S MOTION FOR THE ENTRY OF AN
INTERIM AND FINAL ORDER AUTHORIZING THE DEBTOR TO (A) PAY PRE-
PETITION WAGES, OTHER COMPENSATION AND EMPLOYEE BENEFITS, (B)
CONTINUE EXISTING EMPLOYEE BENEFIT PLANS AND PROGRAMS, AND (C)
AUTHORIZING BANKS TO PAY ALL CHECKS AND ELECTRONIC PAYMENT
REQUESTS RELATED TO SUCH OBLIGATIONS**

Upon the motion dated May 3, 2023 (the “Motion”)¹ of Zhang Medical P.C. d/b/a New Hope Fertility Clinic (the “Debtor”), seeking authorization, pursuant to sections 105(a) and 363(b) of title 11 of the United States Code (“Bankruptcy Code”) and Rules 6003 and 6004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), to pay wages, compensation, and all other related expenses (“Worker Compensation”) and authorizing banks and financial institutions to honor and process checks and transfers related to such obligations, all as more fully described in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided to (i) the Office of the United States Trustee (the “U.S. Trustee”) and (ii) the Debtor’s twenty largest unsecured creditors,

¹ Capitalized terms not defined herein shall have the same meanings as ascribed to such terms in the Motion [ECF No. 9].

and it appearing that no other or further notice need be provided; **and no objections having been filed**; and a hearing having been held to consider the relief requested in the Motion **on May 11, 2023** (“Hearing”); and the Debtor acknowledging that the redaction of the names of the employees in the Exhibit annexed to the Motion does not constitute a concession by the United States Trustee that the names of the employees set forth in the Exhibit may be redacted from the Creditor Matrix; and upon the record of the Hearing, **including the testimony of the Debtor’s Chief Operating Officer**; ~~and all of the proceedings had before the Court~~; and the Court having found and determined that the relief sought in the Motion is in the best interests of the Debtor, its estate, creditors and all parties in interest and that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, **[PB 5/11/2023]**

NOW, THEREFORE, IT IS HEREBY

ORDERED, that the Motion is granted, **to the extent stated herein**, on an interim basis; and it is further **[PB 5/11/2023]**

ORDERED, that pursuant to sections 105(a) and 363(b) of the Bankruptcy Code, the Debtor is authorized, but not directed, to continue to honor existing practices, programs, and policies with respect to its Payees as such practices, programs, and policies were in effect as of the date of the commencement of the Debtor’s chapter 11 case; and it is further

ORDERED, that pursuant to sections 105(a) and 363(b) of the Bankruptcy Code, the Debtor is authorized, but not required, to make all payments with respect to pre-petition Worker Compensation for the Payroll Period in the amounts described in the Motion with respect to such Worker Compensation in accordance with the Debtor’s pre-petition practices and policies; and it is further

ORDERED, that the Banks are authorized and permitted to honor all checks and electronic payments and transfers as set forth in the Motion; and it is further

ORDERED, that nothing in the Motion or this Order shall be construed as impairing the Debtor's right to contest the validity or amount of any Worker Compensation, including without limitation any taxes that may be due to any taxing authority; and it is further

ORDERED, that Bankruptcy Rule 6003(b) has been satisfied **because the relief set forth in this Order is necessary to avoid immediate and irreparable harm**; and it is further **[PB 5/11/2023]**

ORDERED, that notwithstanding any applicability of Bankruptcy Rules 6004(h), 7062, or 9014, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry; and it is further

ORDERED, that notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion, and the requirements of Bankruptcy Rules ~~4001(d) and~~ 6004(a) **and the Local Rules are satisfied by such notice; are waived**; and it is further **[PB 5/11/2023]**

ORDERED that a final hearing on the Motion shall be held on **Tuesday, June 6, 2023, at 2:00 p.m. (prevailing Eastern Time)** before the Honorable Philip Bentley, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York. The hearing shall proceed by Zoom video conference. Parties wishing to participate must follow the guidelines located at <https://www.nysb.uscourts.gov/zoom-video-hearing-guide> and Judge Bentley's Chambers Rules regarding appearances before him. Parties without an attorney are permitted to participate in telephonic hearings free of charge by following the Court's Zoom procedures; and it is further

ORDERED, that within three (3) business days after entry of this Order, the Debtor shall serve a copy of this Order on (i) the U.S. Trustee, (ii) the Sub Chapter V trustee and (iii) the Debtor's twenty (20) largest unsecured creditors.

IT IS SO ORDERED.

Dated: New York, New York
May 11, 2023

/s/ Philip Bentley

Honorable Philip Bentley
United States Bankruptcy Judge